



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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TADEUSZ CITAK, MACIEJ CITAK, LESZAK  
STARZYNSKI, MILAN HUJAS, BERNARD  
DUBLANSKI and TOMASZ KUPREL,

Plaintiffs,

23-cv-10438

-against-

FRANK CYRWUS, INC., WILLIAM SCRIVENS  
and JOHN BREGMAN,

Defendants.

**ORDER**

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**VICTORIA REZNIK, United States Magistrate Judge:**

Pursuant to the Court's order issued on August 2, 2024, Defendant Frank Cyrwus, Inc. was either to retain new counsel or seek an extension of time in which to do so by August 31, 2024. (ECF No. 45). To date, no notice of appearance has been filed, nor has Defendant requested an extension of time in which to retain new counsel.

The Court held a status conference on October 2, 2024; no attorney appeared at the conference on behalf of Defendant, nor did any corporate representative of Defendant appear to provide any other update regarding the Defendant's effort to obtain counsel.

Thus, Plaintiffs may seek entry of a default judgment against Defendant using the following procedures:

1. Prepare a proposed Order to Show Cause for default judgment and make the Order returnable before Judge Reznik in Courtroom 420 of the United States Courthouse, 300 Quarropas Street, White Plains,

New York. Leave blanks for the Court to fill in: 1) the date and time at which the Order to Show Cause will be heard; 2) the date by which the moving party must serve the Order to Show Cause and supporting documents on the non-moving party; and 3) the date by which the non-moving party must file opposition papers.

2. The following documents must accompany the Order to Show Cause:

a. attorney's affidavit or declaration:

i. attaching:

1. copies of the pleadings; and
2. a copy of the affidavit of service of the original summons and complaint; and

ii. setting forth:

1. why a default judgment is appropriate, including a description of the method and date of service of the original summons and complaint;
2. whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of liability and/or damages prior to resolution of the entire action (*see* F.R.C.P. Rule 54(b));

3. the proposed Statement of Damages and the basis for each element of damages including interest, attorney's fees, and costs; and
    4. legal authority for why an inquest would be unnecessary (if applicable);
  - b. proposed default judgment, including damages and interest calculations;
3. Electronically file the proposed Order to Show Cause using the filing event PROPOSED ORDERS and the document PROPOSED ORDER TO SHOW CAUSE WITHOUT EMERGENCY RELIEF.
  4. Electronically file the following documents as separate ECF filing events: (i) the attorney's AFFIDAVIT or DECLARATION in support of an Order to Show Cause; and (ii) the PROPOSED DEFAULT JUDGMENT using the filing event found under PROPOSED ORDERS.
  5. After Magistrate Judge Victoria Reznik signs the Order to Show Cause, it will be docketed. The moving party must then serve a copy of the Order to Show Cause, and the supporting documents, on the defendant as directed in the Order to Show Cause.
  6. Proof of service on the potentially defaulting defendant of a copy of the Order to Show Cause and supporting documents must be

electronically filed three (3) business days in advance of the return date.

The aforementioned documents are to be filed by **no later than December 6, 2024.**

**SO ORDERED.**

DATED: White Plains, New York  
10/28/2024



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VICTORIA REZNIK  
United States Magistrate Judge